

## REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 2, 4, 10 through 17, 19, 25 through 30, 46, 48, and 53 through 61 are pending, with Claims 1, 10, 16, 21, 46, 58, 53, and 57 being independent. Claims 3, 5 through 9, 18, 20 through 24, 47, 49, and 52 have been cancelled without prejudice. Claims 1, 10, 11, 16, 25, 26, 46, and 48 have been amended. Claims 53 through 61 have been added.

Claim 52 was rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite on the grounds that “the apparatus” lacks antecedent basis. This rejection is respectfully traversed, and is submitted to have been mooted by the cancellation without prejudice of that claim.

Claim 1 through 30, 46 through 49, and 52 were variously rejected under 35 U.S.C. §§ 102 and 103 over European Patent Document 0 975 145 A2, taken alone or in view of U.S. Patent No. 6,370,147 B1 (Beser). All rejections are respectfully traversed.

Claims 1, 16, and 46 variously recite, inter alia, actively starting data communication with the first device (represented by the selected transfer information) and actively starting data communication with the second device (represented by the selected transfer information) to transmit the received image data to the second device, wherein the device information (corresponding to each of the plurality of devices) indicates that the device passively executes data communication. (By way of example and not of limitation, the Examiner’s attention is respectfully directed to the first embodiment, e.g., Figs. 17 and 19.)

However, Applicant respectfully submits that neither Yamamoto, et al. nor Beser, even in the proposed combinations, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed combinations of claimed features as recited, inter alia, in Claims 1, 16, and 46.

In more detail, the Official Action states at page 6 that Yamamoto, et al. fails to show the active-passive features, and therefore relies upon Beser at col. 27. That portion discloses, e.g., (a) a “passive network device” such as a printer, facsimile machine, etc., (b) active network device CM 16, and (c) network device CMTS 12. However, Applicants respectfully submit that neither the foregoing nor the remainder of Beser provides either a description or a suggestion of at least the above-discussed combinations of claimed features including the recitation that the device information (corresponding to each of the plurality of devices) indicates that the device passively executes data communication.

It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

Claims 10, 25, and 48 variously recite, inter alia, at the proxy device represented by the generated transfer information, converting the received image data of the first data type (where the first device can transmit image data of the first data type) to the image data of the second data type (where the second device can not process image data of the first data type but can process image data of the second data type). (By way of example and not of limitation, the Examiner’s attention is respectfully directed to the third embodiment, e.g., Figs. 29 and 31.)

However, Applicant respectfully submits that neither Yamamoto, et al. nor Beser, even in the proposed combinations, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed features as recited, inter alia, in Claims 10, 25, and 48.

The Official Action states that Yamamoto, et al. “inherently” includes a device for converting image data as claimed, citing to Fig. 10. This statement is respectfully traversed. Applicants respectfully submit that Yamamoto, et al. shows, e.g., that the scanner is required to transmit image data in LIPS 4 form to the printer (see, e.g., [0231]). In view of the foregoing, Applicants respectfully submit that neither the foregoing nor the remainder of Yamamoto, et al. provides either a description or a suggestion of at least the above-discussed claimed features as recited, inter alia, in Claims 10, 25, and 48.

It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

Claims 53 and 57 variously recite, inter alia, passively executing data communication with the first device (represented by the selected transfer information) in combination with passively executing data communication with the second device (represented by the selected transfer information) to transmit the received image data to the second device, wherein, for each of the plurality of devices, the device information indicates that the device actively starts data communication. (By way of example and not of limitation, the Examiner’s attention is respectfully directed to the second embodiment, e.g., Figs. 24 and 26.)

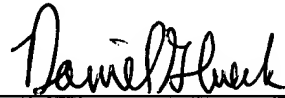
However, Applicant respectfully submits that neither Yamamoto, et al. nor Beser, even in the proposed combinations, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed combinations of features as recited, inter alia, in Claims 53 and 57. It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel S. Glueck", is written over a horizontal line.

Attorney for Applicant  
Daniel S. Glueck  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200  
DSG/cmg

DC\_MAIN 233335v1